

REMARKS

Claims 1-10 are pending. Claims 11-28 are withdrawn. Claims 1, 5, 9 and 10 are presently amended. Claim 1 has been amended to recite the polypeptide SEQ ID NO:3218 encoded by the previously elected nucleotide sequence, SEQ ID NO:1298. Claims 5 and 10 have been amended to recite the nucleotide SEQ ID NO:1298 corresponding to the previously elected polypeptide. Claim 9 has been amended to recite a probe corresponding to the previously elected nucleotide SEQ ID NO:1298. No prohibited new matter has been introduced by way of the above amendments. Applicants reserve the right to file a continuation or divisional application on any subject matter withdrawn or cancelled by way of the foregoing Amendments.

Responsive to the Notice of Non-Compliant Amendment, Applicants hereby submit a listing of claims which will replace all prior versions, and listings, of claims in the application. Applicants have corrected the claim identifiers to indicate the status of Claims 1, 5, 9 and 10 as being 'Currently Amended'. Applicants respectfully submit that the correct claim identifiers have been included in the listing of claims submitted herewith. Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the Notice of Non-Compliant Amendment rejection and allowance of the present claims.

CONCLUSION

A general authorization is granted to hereby charge any fees or deficiencies to Deposit Account No. 501040. In view of the amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (781) 398-2548.

Respectfully submitted,
OSCIENT PHARMACEUTICALS CORPORATION

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